

EXHIBIT 5DATE 1/21/15HB 204

Senators and Representatives of the 2014-2015 State Legislature  
Dear Legislators,

The Leavitt Group is rapidly expanding our footprint into Montana for the past seven years. Nationally we comprise the 12<sup>th</sup> largest insurance agency in the United States, and we represent clients from all 50 states and numerous international people and companies, but our roots here at Leavitt Great West are in Montana with 14 offices located throughout the state employing 76 people. Our clients use Montana as the recreational paradise as much as our employees and I do every day, as it is our desired quality of life. As a Top 12 agency we have access to the traditional insurance carriers that are licensed and admitted to do business in Montana, in addition we provide exclusive access into nontraditional markets and alternatives that main street agencies cannot provide. We see every risk associated with the Montana business climate, and because of that we always look for ways to mitigate or eliminate risk to Montanans.

As a result of that continuous effort to protect our clients thru our overall enterprise risk management, we are in favor of allowing the utilization of a pre-activity release of liability contract. The opposition to this type of bill has been traditionally lobbyists who would argue several points as they have since it was brought before the legislators in some form or another in 2003 and again in 2005 and 2007 as the Inherent Risk Bill, which finally made its way thru the state in 2009. They range from the fact that attorneys should be the first to 'determine' if there is a case that can be brought to court, and that the judicial system is overburdened with a time crunch and cannot be expected to consider the risk associated with each activity. In addition, legislation such as this would be considered unconstitutional, and finally that such an amendment to M.C.A. § 28-2-702 would not lower insurance premiums therefore mitigating the effect it would have on the business owners.

All of the above points bear to have some form of comment upfront. I would argue that a lawyer is not suppose to be the 'gatekeeper', in regards to if a suit should be filed, if a court is overburdened, or if a law will be considered unconstitutional. Finally, in regards to the insurance premiums, litigation facets are one of the key pieces of the formula that actuaries use in developing rates that they file in individual states. We are in the front lines daily in regards to how high rates are across the board in Montana. At Leavitt Great West we do not create rate, however I foresee this waiver helping lower the formula to certain rate classes, but I do know that in overall premium savings, this bill can help us do our job better in terms of pricing relief thru filed credit with carriers because I will argue that we have such a waiver in place.

The outdoor industry and others that can utilize this amendment comprise a considerable portion of Montanans. I strongly encourage you to make the amendment a reality for the good of all Montanans.

Sincerely,

Shawn Kraft

Co-Owner, CPIA  
Leavitt Great West Insurance Services- Helena, Mt.